REMARKS

Entry of this amendment in this application prior to its examination, and favorable consideration of this application as amended, are respectfully requested.

The proposed amendment to the specification is intended to clarify the priority claimed by this application. As evident in the papers originally filed in this application, and as indicated on the Official Filing Receipt and in the U.S. Patent Application Publication of this case[1], this application claimed the priority of its immediate parent application S.N. 08/913,210. The papers originally filed in this application also included a copy of the inventors' declaration from parent application S.N. 08/913,210 in which claims of "foreign" priority were made to the prior-filed U.S. applications U.S. Ser. No. 08/252,829, U.S. Ser. No. 08/377,023, and U.S. Ser. No. 08/396,132.

On information and belief, during the prosecution of the parent application S.N. 08/913,210, the Patent and Trademark Office requested that the specification be amended to properly include a reference to the prior-filed U.S. applications U.S. Ser. No. 08/252,829, U.S. Ser. No. 08/377,023, and U.S. Ser. No. 08/396,132. On information and belief, the requested amendment was made by the Applicants, and the amendment was accepted and entered by the Patent and Trademark Office.

Applicants submit that the amendment to the specification that is proposed in this paper is merely clarifying the claims of priority that have in fact already been made. As mentioned above, the claim of priority to the parent application S.N. 08/913,210 was mentioned in the papers filed with this application, and was noted and accepted by the Patent and Trademark Office. A claim of priority (albeit foreign priority) to the prior-filed U.S. applications U.S. Ser. No. 08/252,829, U.S. Ser. No. 08/377,023, and U.S. Ser. No. 08/396,132 was made in the copy of the inventors' declaration also filed in this application. Accordingly, Applicants respectfully

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[1] U.S. Patent Application Publication No. 2002/0131455 A1.

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submit that the claim of priority to all of these prior-filed cases was in fact presented and made of record in the original papers filed with this application.

Further, even if the claim of priority to the prior-filed U.S. applications U.S. Ser. No. 08/252,829, U.S. Ser. No. 08/377,023, and U.S. Ser. No. 08/396,132 is found to be defective in some way, Applicants submit that the entry of this amendment to insert the appropriate reference to these cases is appropriate. As discussed above, priority was properly claimed to these prior-filed U.S. applications in parent application S.N. 08/913,210. Applicants submit that a priority claim that is made in a parent application is also effective in a later-filed application that is identical to and filed during the pendency of the parent application, even if the priority claim in the parent is not itself made in the divisional.[2] Alternatively, Applicants submit that the omission, in a divisional application, of a priority claim to prior-filed applications that was made in its parent application, is at most a mistake of a minor character because the relation among the cases is a matter of record.[3] In either case, Applicants submit that the entry of this amendment will not insert new matter, and at most clarifies priority claims that were previously presented both expressly and also by implication.

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[2] *See In re van Esdonk et al.*, 187 USPQ 671 (Comm'r Pats., 1975) (for a §119 foreign priority claim).
[3] *See In re Lambrech*, 202 USPQ 620 (Comm'r Pats., 1976).

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Entry of this amendment in this application is respectfully requested.

Respectfully submitted,

Rodney M. Anderson

Registry No. 31,939

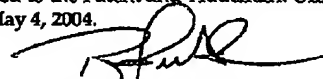Attorney for Applicants

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The undersigned hereby certifies that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax Number 703-872.9306) on May 4, 2004.

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